

REMARKS

The present application currently has six (6) claims, Claims 1 - 6, with Claim 1 being an independent claim. Claim 6 is new. Responsive to each paragraph in the Office Action, the Applicant has the following remarks:

Drawings:

The drawings were objected to for not showing the range recited in Claim 1. The range has been deleted. New dependent Claim 6 now recites the six angles shown in Fig. 2.

35 U.S.C. § 112:

The recitation of “the circles circumscribed about the cross sectional shapes are identical with one another” was found to be confusing. The Applicant has clarified the language by adding that the shapes are identical “at any portion of the body.”

The recitation of “the number of angles of which” has no antecedent basis. This clause has been deleted.

The recitation of “the cross-sectional shape of the body rotates” was found to be confusing. The Applicant respectfully traverses the rejection. As is shown in Fig. 1, the circular arcs 8 do slowly rotate from the bottom end to the top end of the bottle. There is no twisting involved as that would imply a thinning about the middle.

35 U.S.C. §103:

Claims 1-4 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Design Patent No. 168932 to Frydlender in view of U.S. Patent No. 2,858,558 to Sudbeaz or U.S. Design Patent No. 293944 to Trabattoni. Frydlender was described as showing a bottle having a regular polygon with each angle rounded off in an arc with the cross-sectional shapes having the same shape in any portion. Sudbeaz and Trabattoni taught that it was known to make a bottle from either plastic or glass.

The Applicant respectfully traverses the rejection. First, Frydlender is not a bottle with a neck and a shoulder. Second, Frydlender certainly does not show the use of a rounded arc on the corners. Rather, each corner appears to be relatively sharp. Such sharp corners would defeat the purpose of the bottle as claimed in the context of reducing deformation while enhancing resistance to vertical loading. *See, e.g.*, paragraphs 26, 30 and 34. Third, the cross-sections of Frydlender do not have the same shape in any portion of the body and the circles about the cross-sectional shapes are not identical. Rather, the bottle appears to twist such that the center of the bottle appears to be narrower than the top and the bottom. Again, such a shape is not conducive to hot fill methods and a reduction in deformation. The Applicant therefore respectfully submits that independent Claim 1, and the dependent claims thereon, are patentable over the cited references.

The Applicant further traverses the rejection of Claim 4 concerning the shoulder being rounded off by an arc. Frydlender, to the extent it has a shoulder, does not have a rounded arc.

Claims 1-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Frydlender in further view of U.S. Design Patent No. 520374 to Herrmann, et al. over U.S. Design Patent No. 328432 to O'Riley. The further references were described as teaching an arc at each angle. The Applicant respectfully traverses the rejection. As described above, neither of the references includes a neck and a shoulder. Further, at least the Hermann reference appears thin about the middle while the O'Riley reference has a void in the middle such that the cross-sectional shapes and the circles thereabout clearly are not identical.

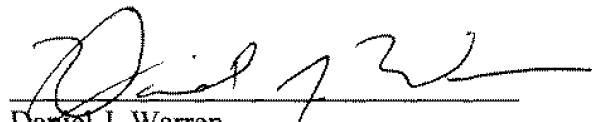
Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Frydlender in further view of U.S. Patent No. 5,928,742 to Sugiura. Sugiura was described as teaching a bottle made out of PET. The Applicant respectfully traverses the rejection for the reasons described above.

CONCLUSION

The Applicant believes that it has responded to each matter raised in the Office Action.
Any questions can be directed to the undersigned at 404.853.8028.

Dated: April 12, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel J. Warren", is written over a horizontal line.

Daniel J. Warren
Reg. No. 34,272

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, N.E.
Atlanta, Georgia 30309-3996
(404) 853-8000
Docket No.: 25040-1611